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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,305	09/19/2000	Michiya Handa	ICOR-002	5531

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PATENT DEPARTMENT  
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NEW YORK, NY 10036

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/665 305	Applicant(s) Hinds	
	Examiner Aheas, G	Art Unit 3624	Confirmation No. [Signature]

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- ☒ Responsive to communication(s) filed on 4/15/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- ☐ Claim(s) 1-35 is/are pending in this application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-35 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received:
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Art Unit: 3624

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is issued in response to applicant's Amendment A(Paper #6) filed 4/15/03.
2. Claims 1,5,7, 10,15-16,29-30,33 were amended. New claims 34-35 were added.
3. Claims 1-35 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-35 are rejected under 35 USC 103(a) as unpatentable over Togher(US Pat. No: 6,014,627) in view of May(US Pat. No: 6,317,727) in view of Silverman(US Pat. No: 5,136,501) and further in view of Stallaert(US Pat. No: 6,035,287).
6. As per claims 1-35 Togher teaches a method of tracking credit limits for a plurality of parties and trades(col 2 lines 15-22).Togher teaches an electronic trading network(Fig 5) which may be implemented globally.Togher teaches trading in foreign currencies(col 6 line 41-col 7 line 25). May teaches credit capability(reserves)(col 12 lines 1-16) as well as credit monitoring and risk quotient analysis(col 25 line 5-col 26 line 17) and checking of parties(col 13 lines 37-65).May teaches the residual credit available to each party(bucket)(Fig 28/582/584)(col 1 line 65-

Art Unit: 3624

col 2 line 5) as well as updating the position information of the party(Fig 28/590) as well as identifying for each party a set of counterparties each party may trade with(Abstract)(Fig 27B)(col 5 line 41-col 6 line 11).May teaches that derivative instruments are traded(col 18 lines 3-27) including options utilizing credit tracking of parties/counterparties.It would have been obvious to one skilled in the art at the time of the invention to combine Togher in view of May to teach part of this. The motivation to combine is to teach a method for credit screening of trading parties prior to trading on an electronic trading system where the credit risks of the trader take into account the different types of derivative instruments as enunciated by May(col 5 lines 31-37). Silverman teaches identifying a counterparty that a party may trade with where these parties have defined credit limits(col 3 line 18-col 4 line 25).Silverman teaches residual credit remaining on different trades and parties(Fig 20).Silverman teaches overriding a credit limit(col 4 lines 47-51).Silverman teaches the adjustment of a credit limit following respective trades(Abstract)(col 3 line 60-col 4 line 5).It would have been obvious to one skilled in the art at the time of the invention to combine Togher in view of May to teach part of this. The motivation to combine is to teach a method for credit screening of trading parties prior to trading on an electronic trading system where the credit risks of the trader take into account the different types of derivative instruments as enunciated by May(col 5 lines 31-37). Further it would have been pobvouijs to one skilled in the art at the time of the invention to combine Togher in view of May and further in view of Silverman to teach all the above. The motivation to combine is to teach a system incorporating credit limits for counterparties and parties for the trading of diverse instruments

Art Unit: 3624

which are dynamically adjusted over a trading session as enunciated by Silverman(col 2 lines 17-35).Stallaert teaches a plurality of buckets or baskets of securities and the trading thereof with market surpluses which relate to risks assumed and credits allowed(Abstract)(Figs 1-6).It would have been obvious to one skilled in the art at the time of the invention to combine Togher in view of May in view of Silverman and further in view of Stallaert to teach all the above. The motivation to combine is to teach a system incorporating credit limits for counterparties engaged in the trading of diverse instruments which are dynamically adjusted over a trading session as in baskets or buckets of securities as enunciated by Stallaert(col 2 lines 31-34).

***Claim Rejections - 35 USC § 112***

7. Claims 1-35 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.In particular the key underlying assumptions in the derivation of the equations is not delineated which would incorporate the actual time-dependent governing differential equations for the dynamical process as well as a generalized closed form analytical solution or else as a convergent series.It is necessary to show the entire derivation of these equations to ascertain and clarify their correctness.

***Response to Arguments***

8 Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the necessitated additional new ground(s) of rejection.

Art Unit: 3624

***Conclusion***

9 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the

Application/Control Number: 09/665305

Page 6

Art Unit: 3624

status of this application should be directed to the Group receptionist whose telephone number is  
(703)-308-1113.

GRA

June 11, 2003

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER